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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 6182 of 2007

PETITIONER Smt. Mehar Afroz Khan W/o. Hanif Khan W/o. aged about – 43 years, R/o. C/o.- Vikas Narayan Singh Ward, Raj Family, In front of Prem Kumar Shishu Mandir, Kairagarh, Tahsil- Khairagarh, District – Rajnandgaon (C.G.)

Versus

RESPONDENTS

1 State of Chhattisgarh Through the Secretary Women and Child Welfare Department, D.K.S. Bhawan, Mantralaya Raipur (C.G.)

2 Director, Women and Child Welfare Department Raipur, District- Raipur (C.G.)

3 Project Officer, Women and Child Welfare Department, Rajnandgaon, District- Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Anoop Mazumdar, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(17.10.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioner submits that the petitioner was transferred from *Mahila Bal Vikas*, Khairagarh to Manpur by order dated 7.7.2006 (Annexure-P/1) but the said order was kept in abeyance and she was allowed to continue there for about a year and now on 10.7.2007, she has been relieved. He

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submits that such action on the part of the State authority is not in accordance with law and the same is malafide.

I am unable to understand as to how the relieving of the petitioner in consequence of transfer order, though after a long period is malafide. Rather not relieving the petitioner at an early date and allowing her to continue at Khairagarh appears to be a reasonable consideration given to her and the said order can not be held to be malafide. Learned counsel for the petitioner could not point out any preposition or provision of law to show that relieving of the petitioner, as a consequence of transfer order, though after a long period, shall either amount to malafide or is against the statutory Rules or Act.

I do not find any force in the argument advanced by the learned counsel for the petitioner.

The petition has no merits and the same is dismissed.

At this stage, learned counsel for the petitioner submits that there are personal difficulties also, of the petitioner, therefore, she may be allowed to file a representation before the concerned authority.

Needless to say that the petitioner is free to file representation before the concerned authority and if such a representation is filed by the petitioner, the concerned authority is obliged to decide it in accordance with law.

Sd/-
Sunil Kumar Sinha
Judge

vatti